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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

077940.0103

In re Application of: Tony Baker

Application No.: 09/932,122

Filed: August 16, 2001

For: REMOVAL OF MOLECULAR ASSAY INTERFERENCES

The owner\*, Sierra Molecular Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 12/048,961, filed on March 14, 2008, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 52,622

  
Signature

December 7, 2008

Date

Guy F. Birkenmeier, Ph.D.

Typed or printed name

512.322.2647

Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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